Richard J. Berry
Mayor

The Air Shed

Thaddeus Lucero
Manager

APD EXHIBIT 3

PENGAD 800-631-6989

APRIL'S AIR QUALITY INDEX GOOD to MODERATE

FOR THE MONTH'S AQI VALUES, SEE PAGE 4

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PUBLISHED MONTHLY BY THE CITY OF ALBUQUERQUE
AIR QUALITY & VEHICLE POLLUTION MANAGEMENT DIVISIONS

April—May 2010 Volume 4 Number 10

Vehicle Pollution Management News

Inspection and Maintenance Program

VPMD approved the certification of a second Big Boy Emissions location in April. Big Boy Emissions II is located at 1535 Coors Blvd. NW near Coors and Iliff. Quality Assurance Specialist Tony Romero conducted the facility inspection, materials audit and gas audit of the analyzer as part of the certification process. The station will initially employ two air care inspectors in addition to owner/operator Manuel Sanchez.

VPMD issued 160 time extensions for major repair in April for failing vehicles whose owners provided documentation that the vehicle had or would require more than $300 in emissions related repairs. Of these, 41 were for 1995 and older vehicles which failed a traditional two-speed exhaust test and 119 were for 1996 and newer vehicles which failed the more comprehensive on-board diagnostic (OBDII) test. Quality Assurance staff at the retest center on Broadway review repair receipts and retest the vehicle before approving a time extension.

VPMD referee technicians also tested and exempted 62 light-duty diesel vehicles in April. Diesel vehicles are required to pass a visible opacity test at each change of ownership. An additional 82 exemptions were issued for gas/electric hybrid vehicles after confirming their super ultra low emission vehicle (SULEV) or partial zero emission vehicle (PZEV) certifications.

Customer service staff issued 102 test waivers in April for vehicles temporarily located out of state with students or military personnel and thus not available for testing. These included 70 two-year waivers in exchange for valid tests from other states and 32 one-year waivers in exchange for VIN or safety inspections for vehicles located in states without testing services. An additional 6 one-year waivers were issued for vehicles that passed an emission test last year but were mistakenly reselected by MVD for testing.

Enforcement Activities:

VPMD denied the recertification application of one Air Care inspector in April for clean scanning or fraudulently passing one vehicle by entering the vehicle information for that vehicle while actually connecting the analyzer to a different vehicle. The initial certification application of another prospective Air Care inspector was denied after it was learned that he had removed the catalytic converter from vehicles and altered the vehicle's on-board computer to disguise this fact.

VPMD staff conducted 4 covert audits in April using a vehicle with a failing gas cap and check engine light on. Two stations conducted the test flawlessly and passed the audit. One station failed the audit for failure to test the vehicle in a timely fashion. The final station pre-tested the vehicle as both an inspector and service manager told the driver the vehicle would fail and she should not test it. The station was issued a notice of intent to suspend.

Training Program:

VPMD offered two Air Care inspector certification courses in April with 26 of the 32 students successfully completing both the classroom and practical testing and earning certification. VPMD will offer one certification course in May during the week of May 10 - 14. VPMD offered two recertification classes in April with all 21 of the inspectors in attendance passing the class and renewing their certification for the coming year. May recertification classes will be offered the mornings of Thursday the 6th and Thursday the 20th respectively.

Tranportation Conformity, 20.11.3 NMAC

Transportation conformity is a Clean Air Act (CAA) requirement that ensures that federally supported highway and transit projects are consistent with state air quality implementation plans. Conformity helps protect public health through early consideration of the air quality impacts of transportation decisions in places where air quality does not currently meet federal standards or has not met them in the past.

On March 24, 2010, the U.S. Environmental Protection Agency (EPA) promulgated changes to the transportation conformity rule that primarily affects PM2.5-Fine Particulate and PM10-Coarse Particulate nonattainment and maintenance areas. The Albuquerque/Bernalillo County region is currently designated as unclassifiable/attainment for PM2.5 [40 CFR 81.332] and unclassifiable for PM 10- Coarse Particulate. This rule became effective on April 23, 2010 [FR Vol. 75, No. 56, 14260-14285]. In response, The COA Air Quality Division (AQD) is proposing amendments to the current Air Quality Control Board regulation, 20.11.3 NMAC, Transportation Conformity.

Key elements of EPA's final rule will provide guidance on how to implement transportation conformity under the new

Cash For Clunkers Update

The U.S. General Accountability Office (GAO) recently released a new report with the results of the Cash For Clunkers program. The report issued on April 29, 2010 concluded that the Consumer Assistance to Recycle and Save (CARS) initiative implemented by the federal government during July and August 2009, met its two broad objectives to help stimulate the economy and put more fuel-efficient vehicles on the road.

The National Highway Traffic Safety Administration (NHTSA) was responsible for administering the program and compiling the report. In compiling this report, GAO contacted officials from NHTSA and EPA, as well as representatives of consumer groups, the scrap and salvage industries, automobile manufacturers, car dealerships and charities affected by the program. GAO found that, generally, auto manufacturers and car dealers benefited from the increased sales generated by the program and that there were no systematic problems with the program's administration.

"Cash for Clunkers" was touted as a vehicle retirement program to create incentives of $3,500 to $4,500 toward the replacement of old inefficient vehicles with new, more fuel-efficient ones. The average CARS monetary credit was approximately $4,200 and participation was distributed across the county, reflecting the population of the US. The administration also hoped the program would stimulate the economy and support the ailing automotive manufacturing industry.

NHSTA "estimated that 88% of the 677,842 CARS transactions approved at the time of this report to Congress were directly attributable to the program." The report also documented "the average combined fuel economy of new vehicles purchased or leased under the program was 24.9 miles per gallon (mpg), compared with 15.7 mpg for vehicles traded in." However, it is unclear that the entire difference in combined fuel economy may not have been a direct result of the program.

To read the report visit www.gao.gov/products/GAO-10-486

Tranportation Conformity, 20.11.3 NMAC

(Continued from page 3)

2006 PM2.5 National Ambient Air Quality Standard (NAAQS) to ensure that transportation planning and air quality planning are coordinated to protect our resource for public health and the environment. Final rules for conformity will apply in 2006 PM2.5 nonattainment areas for this NAAQS on December 14, 2010, based on the one-year grace period for newly designated areas in the Clean Air Act (CAA) and the transportation conformity rule.

The final rule also updates the conformity regulation to:

- Include the requirements for demonstrating conformity for the 2006 PM2.5 NAAQS, including the regional vehicle emissions test(s) that would apply before and after State Implementation Plan motor vehicle emissions budgets are established for the revised NAAQS;
- Update the baseline year for the interim emissions test to calendar year 2008 in 2006 PM2.5 nonattainment areas;
- Clarify which budgets PM10 nonattainment and maintenance areas would use for transportation conformity determinations, now that the annual PM10 standard has been revoked; and
- Clarify that federally funded or approved highway and transit projects in PM2.5, PM10 and CO nonattainment and maintenance areas must not delay timely attainment or achievement of other interim milestones.

The Control Strategies Section of the Air Quality Division has posted the Stakeholder Review draft on the division web site at www.cabq.gov/airquality/regulation-development/stakeholder-review-drafts/20-11-3nmac-stakeholder-review-draft4-28-10pm-amendments.pdf/view. The AQD respectfully requests that stakeholders provide comments on this draft by May 28, 2010. Comments can be sent electronically to nbutt@cabq.gov, or delivered to Neal Butt, c/o Air Quality Division, Environmental Health Dept., PO Box 1293, One Civic Plaza NW, Albuquerque, NM 87103; (505) 768-2660.